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Page 1

## URBAN FRINGE AREAS: ZONING, SUBDIVISION REGULATIONS, AND MUNICIPAL SERVICES

*What policies and practices are in force regarding unincorporated programs?*

Unincorporated urban fringe areas that lack adequate zoning and subdivision regulations and basic governmental services continue to represent one of the most troublesome and perplexing products of urbanization. This report analyzes some principal characteristics of fringe areas, the extent and nature of zoning and subdivision controls and basic services in such areas, and the attitudes of cities toward extending services. It concludes with a consideration of several approaches to the problems of fringe areas.

This report is based largely on data supplied by officials of 142 cities that have adjacent unincorporated fringe areas. The total consists of 16 cities over 100,000 population, 57 cities of 25,000 to 100,000, and 69 cities of 5,000 to 25,000. These three groups of cities frequently are designated in this report as "large," "medium-sized," and "small." The 16 cities of more than 100,000 population are all central cities in metropolitan areas. The 57 municipalities in the 25,000-to-100,000 range are composed of 15 central cities, 14 suburbs in metropolitan areas, and 28 independent cities. (Independent cities are located outside metropolitan areas.) The 69 cities in the 5,000-to-25,000 range are made up of 16 suburbs and 53 independent cities.

The municipalities chosen for the survey were selected at random, and the number within each of the three population classes from which facts and opinions were requested was determined on an approximate ratio basis (that is, the proportion of cities surveyed in the three population categories was approximately equal to the total number of cities in each population category). The largest percentages of replies were received from the large and medium-sized cities. A number of replies were excluded because the city does not have a fringe, a result of either being completely surrounded by other cities or having recently completed a large annexation.

### Fringe Characteristics

The fringe areas are large in both territory and population. Although generally less densely settled than the cities they border, many of them cover more territory. This situation is particularly evident among numerous fringes adjacent to central cities and suburbs. For example, among the medium-sized municipalities approximately one-third of the fringes encompass more land than the neighboring central cities and suburbs.

The typical fringe population is of considerable size, but less than the total of the adjacent municipality. The population of fringes adjoining cities of over 100,000 people ranges from 20,000 to 350,000 residents. The fringes of medium-sized cities have populations of 1,000 to 70,000, and those bordering small municipalities have 300 to 5,000 inhabitants.

Fringe areas almost always are exclusively or predominantly residential rather than commercial or industrial. And approximately three-fifths of them are medium-income residential developments. A low-income residential area, however, is much more likely than one of high income. About one-fourth of the fringes are characterized by low incomes; this is almost three times as many as have high incomes. Only a few are wholly or primarily commercial or industrial.

The general absence of a balanced economic base in fringes and the prevalence of residential developments of less than high income there explain in part why fringe areas frequently constitute a serious problem. Their financial resources are often relatively low. In many instances they thus are not in an advantageous position, regardless of the attitude of their residents, to undertake by themselves the financing of needed public services and regulations.

The adequacy of the physical development of the fringe commonly depends upon whether a general governmental unit has authority to exercise zoning and subdividing regulations there. Has the nearby city been vested with such powers beyond its territorial limits? If not, has the county in which the fringe is located been endowed with such powers?<sup>1</sup>

#### Zoning Controls

Every city included in this survey that exercises zoning controls outside its limits has a zoning ordinance applicable within its own municipal boundaries. It is important, then, to determine first the extent to which comprehensive (use, height, bulk, and area) zoning ordinances are in effect *within cities*.

Most cities have comprehensive zoning ordinances in operation within their own corporate limits. The practice is most prevalent in the large (over 100,000) and medium-sized (25,000 to 100,000) cities. Then too, almost without exception, central cities and suburbs have comprehensive zoning ordinances, but only three of each four independent cities have them. Apparently, the location of a community in a metropolitan area stimulates the adoption of comprehensive zoning.

#### Cities Possessing Comprehensive Zoning Ordinances in Effect within Their Boundaries

|                             |     |
|-----------------------------|-----|
| Over 100,000 . . . . .      | 88% |
| 25,000 to 100,000 . . . . . | 91  |
| 5,000 to 25,000 . . . . .   | 75  |
| Total . . . . .             | 83% |

Most cities have comprehensive zoning regulations in effect within their own territorial limits, but relatively few municipalities are legally permitted to exercise such authority beyond their boundaries. Stated differently, more than four-fifths of the cities have comprehensive zoning within their borders, but less than one-fifth that have zoning are authorized to exercise such controls outside their corporate limits. Considering all municipalities in the survey — both those with and those without comprehensive zoning ordinances — less than one in seven is empowered to zone in the fringe. Particularly striking is the fact that practically all central cities have comprehensive zoning, but only a handful of them can apply such regulations to the fringe. Much the same situation prevails among the suburbs.

#### City Authority To Zone Outside the City

|                             |     |
|-----------------------------|-----|
| Over 100,000 . . . . .      | 0%  |
| 25,000 to 100,000 . . . . . | 14  |
| 5,000 to 25,000 . . . . .   | 17  |
| Total . . . . .             | 14% |

(Restricting the analysis to only those cities that have comprehensive zoning ordinances, the percentages are 0, 15, 23, and 17.)

<sup>1</sup>The length of the inquiry to municipal officials necessitated seeking information about the zoning and subdivision activities of only one noncity local government, the county. In general, counties are by far the most active noncity local governments in zoning and subdivision matters; in fewer instances other governments — certain townships, for example — exercise these powers in the fringe.

Two other factors limit the role of municipal governments in zoning activity in the fringe. First, of the relatively few municipalities possessing extraterritorial zoning power, practically all of them can exercise the authority only one to three miles beyond their official limits. At best, therefore, in a number of instances a city can enforce comprehensive zoning regulations in only a portion of the fringe. Second, many cities that can exercise extraterritorial zoning controls do not actually use them.

These findings conclusively demonstrate that in general the lack of extraterritorial zoning authority prohibits cities from applying and enforcing comprehensive zoning standards in the fringe. And there is no noticeable trend to grant more cities such authority. The major opposition centers on the claim of controls without the opportunity to participate in determining their nature. (Many people who stress this point, however, also are strong opponents of annexation to the city, a procedure that would provide them with direct participation.) Some cities, moreover, dislike the increased expense they must assume to exercise such extraterritorial controls. (Unless legal or political difficulties stand in the way, this obstacle could be overcome by giving cities the right to make an equitable service charge.)

In view of the limitations on cities enforcing suitable zoning standards in the fringe, to what extent do county governments reduce the deficiency? Counties more frequently than cities have zoning powers in the urban fringes. Nevertheless, only 53 per cent of the counties do zoning in fringes that are not subject to city zoning authority. County zoning is in force in far larger proportions of the fringes adjacent to central cities and suburbs than those near independent cities. Seemingly this reflects the growing response of certain state legislatures to the need for endowing some type of government with authority to exercise controls in the unincorporated sections of metropolitan areas.

County zoning controls frequently do not exist. Furthermore, when they are in operation they often are less comprehensive than those of cities which are in effect in other fringes. In brief, many urban fringes come under neither city nor county zoning controls, and when they are subject to the latter the regulations many times are incomplete.

No City Extraterritorial Zoning Authority  
But County Has Zoning Ordinance

|                             |      |
|-----------------------------|------|
| Over 100,000 . . . . .      | 100% |
| 25,000 to 100,000 . . . . . | 59   |
| 5,000 to 25,000 . . . . .   | 33   |
| Total . . . . .             | 53%  |

Subdivision Regulations

City or county subdivision regulations governing the layout of streets, blocks, lots, and utilities in new developments in the fringe are more frequent than zoning controls. Most cities have comprehensive land subdivision regulations in effect within their own boundaries. As in the case of zoning, such regulations are most prevalent in large and medium-sized cities. Almost all central cities and suburbs have such regulations, but only four of each five independent cities have them.

Cities Possessing Comprehensive Subdivision Regulations  
in Effect Within Their Own Boundaries

|                             |     |
|-----------------------------|-----|
| Over 100,000 . . . . .      | 94% |
| 25,000 to 100,000 . . . . . | 89  |
| 5,000 to 25,000 . . . . .   | 83  |
| Total . . . . .             | 86% |

Certain types of subdivision requirements are in operation within city limits much more often than other kinds. The three types required in at least three-fourths of the municipalities having

subdivision regulations are, in order of frequency: installation of sanitary sewers, grading and surfacing of all streets, and installation of water mains. Next is the installation of curbs and gutters, required in approximately two-thirds of the municipalities. Required least frequently are the installation of storm sewers and the construction of sidewalks, stipulated respectively in approximately one-half and two-fifths of the cities.

In contrast to zoning, the proportion of municipalities that can exercise extraterritorial subdivision authority is impressive. However, less than a majority endowed with subdivision authority within their boundaries can utilize such power outside their limits, and many times those with such authority can use it only one to three miles beyond the city borders. In some instances, therefore, the city's jurisdiction does not include the entire fringe. Among the municipalities surveyed, very few central cities of more than 100,000 population and very few suburbs containing 5,000 to 25,000 people can apply subdivision controls in the fringe. A number of cities that can enforce extraterritorial subdivision rules do not do so.

| <u>City Authority To Enforce Subdivision Regulations</u> |     |
|--|-----|
| <u>Outside City Limits</u>                               |     |
| Over 100,000 . . . . .                                   | 13% |
| 25,000 to 100,000 . . . . .                              | 58  |
| 5,000 to 25,000 . . . . .                                | 29  |
| Total . . . . .  | 39% |

(Restricting the analysis to only those cities that have comprehensive subdivision regulations, the percentages are 13, 66, 35, and 45.)

Of the relatively limited number of municipalities authorized to apply the above mentioned subdivision requirements in the fringe, the most common types are grading and surfacing of all streets and installation of storm sewers, required by approximately one-half of the cities. Less frequent are installation of curbs and gutters (about two-fifths) and installation of sanitary sewers and water mains (each slightly more than one-third). As is true within city limits, the least frequent kind of subdivision requirement utilized by cities beyond their boundaries is the construction of sidewalks (less than one-fourth).

How active are counties in subdivision matters in fringes not subject to city subdivision authority? In total, counties participate only slightly more often in such controls than in zoning for these areas. Somewhat more than one-half of the counties have subdivision standards in the fringes over which cities have no extraterritorial control. Such county regulations are more prevalent in fringes adjoining central cities and suburbs than in those bordering independent cities. Some county subdivision standards are lower or less comprehensive than those of cities.

No City Extraterritorial Subdivision Authority  
But County Has Subdivision Regulations

|                             |     |
|-----------------------------|-----|
| Over 100,000 . . . . .      | 79% |
| 25,000 to 100,000 . . . . . | 46  |
| 5,000 to 25,000 . . . . .   | 53  |
| Total . . . . .             | 55% |

Operative more often than zoning controls in the fringe, subdivision regulations there nevertheless sometimes fall far short of being complete, and in many instances such regulations do not even exist. Consequently, all or parts of many fringes are not subject to important and basic zoning and subdivision regulations that contribute to the healthiness and livability of these areas.

A major contributor to problems in fringe areas is the absence or insufficiency of zoning and subdivision controls. Inferior land use and subdivision layout are very costly to rectify as an area

becomes more heavily populated, and an area's value can depreciate rapidly. And such conditions can have detrimental effects on the health and safety of both inhabitants of the fringe and the residents of the nearby city.

#### Services to Fringe Residents

The lack or inadequacy of zoning and subdivision regulations in many fringes is harmful, but the most direct detrimental consequences result from their shortcomings in basic urban or municipal-type services. Although deficiencies in basic services are present in many fringes and cause difficulties there and in the adjoining municipality, fringe areas still obtain enough services from one or more governments and private companies to be able to continue to exist. Fringe areas simply could not be inhabited unless their residents acquired some minimum services.

In general, fringe inhabitants need and want certain basic municipal-type services, but they do not want to become or are unable to become part of an existing municipality or to organize one of their own. In some instances, fringe residents are shortsighted; in others, they believe they are shrewd, trying to get as much as possible for as little as possible; in still others, the low financial resources of the fringe area make the neighboring city disinterested in annexation and make separate incorporation impractical.

Who contributed to the existence, continuance, and growth of fringe areas? An analysis of seven basic services — water supply, garbage collection, streets, sewerage, fire protection, police protection, and parks and recreation — provides significant answers (see Table 1).

Table 1

#### Fringe Services Provided by Local Governments and Private Companies

| Service                      | Cities | Counties | Townships | Special Districts | Private Companies | Total <sup>1</sup> |
|------------------------------|--------|----------|-----------|-------------------|-------------------|--------------------|
| Water supply . . . . .       | 67     | 10       | 3         | 25                | 30                | 135                |
| Garbage collection . . . .   | 10     | 37       | 7         | 5                 | 63                | 122                |
| Streets . . . . .            | 8      | 30       | 21        | 12                | 2                 | 73                 |
| Sewerage . . . . .           | 26     | 16       | 6         | 35                | 6                 | 89                 |
| Fire protection . . . . .    | 51     | 25       | 30        | 26                | 3                 | 135                |
| Police protection . . . . .  | 8      | 74       | 14        | 3                 | 1                 | 100                |
| Parks and recreation . . .   | 16     | 41       | 10        | 6                 | 0                 | 73                 |
| Total <sup>2</sup> . . . . . | 186    | 233      | 91        | 112               | 105               | 727                |

<sup>1</sup> The totals for services show only the number of suppliers (cities, counties, etc.) for each service. They do not represent the number of fringes with such services since two or more suppliers often provide services to the same fringe area.

<sup>2</sup> The fringes adjoining 142 cities were surveyed. As the totals for the various suppliers (cities, counties, etc.) indicate, two or more types of suppliers are sometimes active in the same fringe area (most often in different portions of the same fringe).

County governments stand out most prominently as the supplier of services to the fringe. They provide three of these seven basic services more frequently than any other local government or a private company — police protection, streets, and park and recreation facilities. The extent of their activities in these functional fields is an outgrowth of their long-time role in providing such services to rural areas. The relatively new aspect of such activities by them is the level at which they are provided in many unincorporated urban areas. Numerous city residents and officials feel that it is financially inequitable to cities to have county governments provide municipal-type services to urban fringes from county general tax monies, a large portion of which is obtained from within city limits.

City governments are a close second to counties in providing services to the fringe. In terms of specific services among the seven, they rank first in furnishing water and fire protection. They supply water almost as frequently as all other local governments and private companies combined.

They are second in sewage disposal. (Cities are split over the advisability of supplying fringe services; this will be discussed later.)

Special districts, which are independent governments usually organized to perform only a single function and which recently have been the fastest growing class of governments, rank third as a supplier of fringe services. They are the most common provider of sewage disposal, and they also are prominent in fire protection and water supply. They make direct charges in the fringes for functions performed, but they constitute piecemeal and often costly and inadequate approaches to fringe problems. For example, they seldom are authorized to carry out basic planning controls.

Private companies are fourth as a fringe supplier. Their activities are largely confined to two services — garbage disposal and water supply. Townships are the least frequent general supplier, owing in part to their lack of existence in a number of sections of the United States. They are most active in fringe areas in fire protection and street construction and maintenance. When cities are not legally separated from townships, the same type of question about the financial equity of the provision of municipal-type services by townships, mentioned in the case of counties, has been advanced.

The service arrangements in fringe areas are sketchy and incomplete. Table 1 shows that certain fringes are unable or unwilling to obtain basic services from existing local governments or private companies. Moreover, Table 1 indicates what services are provided (sometimes only in case of an emergency) *in* fringe areas, not *throughout* such areas. In other words, some parts of certain fringes obtain a service and others do not. Moreover, the level of services provided in fringes, although usually above that furnished in rural sections, is frequently below that needed in an urban environment. The term "municipal-type services in fringe areas" is often liberally defined; a careful analysis reveals that frequently the level is municipal in nature but not in the standard necessary for satisfactory urban living.

Fringe service arrangements generally represent improvisations, stopgaps that ignore the immediate and long-range consequences to the fringe itself and to the adjacent city. In both needed zoning and subdivision regulations and for adequate basic services, fringe areas represent a problem. And they represent a persistent problem that will be solved only by comprehensive and constructive action.

#### City Attitudes about Fringe Services

Municipalities divide clearly into two sizable groups over whether they should provide services to fringe areas.

Here is a composite of the reasons stated by cities that follow a policy of supplying service. The first three are most often cited.

1. Fringe services protect city residents from the effects of poor conditions (fire protection, health, sanitation) that would spread from the fringe into the city.
2. Fringe services aid in the orderly development of the total urban area of which the city and the fringe are both a part.
3. Fringe services encourage annexation.
4. The city is the only possible or the most able supplier, and it is the city's moral obligation to furnish service. (Also stated in terms of being a good neighbor or creating good will.)
5. Providing service represents a long-time commitment.
6. The rate charged in the fringe makes the extension of service financially profitable to the city.
7. State law requires the city to provide the service.

Municipalities that have a policy of *not* providing service to the fringe state the following reasons. The first three are most frequently mentioned.

1. Discourages the growth of the fringe; the fringe may become a bigger problem as it grows.
2. Avoids weakening city governments by refusing to permit fringe dwellers to select one or a few services from the variety supplied to city residents.
3. Encourages annexation.
4. Makes fringe dwellers face up to their responsibilities and obligations as inhabitants of an urban environment.
5. There is no precise way of calculating equitable charges.
6. The city is unable to collect service charges.
7. There is no legal authorization for such service agreements.

One reason is common to both proponents and opponents of extending service to the fringe -- encouraging annexation to the city. And the evidence indicates that both groups are right in the light of particular local circumstances.

Cities Extending Services. Some cities providing services to the fringe have found a taste of city services by the fringe results in a desire to gain a full array of them through becoming an official part of the municipality. Others have discovered that furnishing service increases the feeling of good will and mutual interests between the city and the fringe. Sometimes the higher rates charged to the fringe for certain services has increased the fringe's desire to be annexed.

The statement made by the city clerk in Alexander City, Alabama, is typical of reasons given by cities that do extend services outside city limits:

To create good will and show them the advantages of having good codes to build by. We also will draw plans for them to follow in building. By having those who ask for these services, it insures that when they come into the city at a later date, there will be fewer substandard houses and facilities that the city will have to cope with. This policy has definitely helped in making the fringe areas want to join our city. As there have not been any nearby incorporations, it must be assumed that this policy has discouraged such incorporations.

Cities Not Extending Services. The strongest statements come from those cities that do not extend services outside the city limits. These cities feel that a policy of no services strikes at the lifeline of fringe areas and requires fringe residents to accept their urban responsibilities by annexing to the city. Some of these cities formerly had a policy of furnishing service. (Exceptions are made in a few cities for services that have been provided for many years or are of an emergency nature such as fire and police calls.)

The city manager of Port Huron, Michigan, stated flatly: "For years the city felt a 'cooperative' attitude would tend to annexation. This never works. So now no services outside. No services has brought annexation out into the open. Success appears more likely than when services were given. Incorporation has not increased."

Cities In Between. A few cities judge that a policy of service or no service to the fringe has little or no effect on encouraging or discouraging such an area to annex (or even to incorporate).

Some of these cities were quite frank in appraising the nebulousness of their own situations. Seattle, Washington, for example, stated that it has no policy for extending service outside city limits but that water and electrical services have been extended for many years as a matter of historical practice. The city also extends limited fire service on a specific contract basis. The report for this city then commented:

It is very difficult to assess the effect of the above-stated practice on annexation to the city and incorporations of nearby areas. It can be reported that in the past ten years there have been numerous incorporations and annexations to small communities within the metropolitan area of Seattle, but there also have been several annexations to Seattle, particularly in the years 1953 and 1954 when approximately 15 square miles of territory north of Seattle were annexed to the city.

### State Approaches to Fringe Problems

Several approaches to the fringe problem seem promising, although their applicability will vary among the states.

1. Liberalize state annexation laws to facilitate the absorption of fringe areas that are already urban and that are becoming urban. The effects of annexation legislation passed in Minnesota, Wisconsin, and North Carolina in 1959 and involving state legislatively prescribed standards deserve close attention.<sup>2</sup>
2. Authorize more cities to exercise the extraterritorial zoning and subdivision controls they now possess. Grant broader territorial jurisdiction in such matters to many of the cities already possessing such powers. (Cities might more consistently confer informally with fringe residents and property owners about the appropriateness of proposed regulations, thus lessening much of the present opposition.)
3. Encourage more counties to use zoning and subdivision controls they now possess.
4. Endow more counties with zoning and subdivision authority through the passage of state constitutional or legislative changes.
5. Grant more counties legal authorization to create county-administered special service areas that can be charged directly for more intensified and additional county services.
6. Revise state incorporation laws so that unincorporated urban areas possessing inadequate financial resources cannot incorporate and thus become problem cities. (The Minnesota and Wisconsin laws of 1959 on incorporation, setting legislative standards are relevant here.)

### Local Approaches to Fringe Problems

The survey shows two major shortcomings on the part of cities and other local governments in dealing with fringe area problems which can be partially or fully corrected in many areas.

1. Adopt joint policies on provision of municipal-type services to unincorporated urban fringe areas. From the great majority of replies it is evident that practices have evolved hit-or-miss and that carefully conceived policies have not been generally developed by city and county governments. Such policies are especially needed in land-use planning, zoning controls, and land subdivision regulations.
2. City-county cooperation -- often discussed, far less often practiced -- is the approach that is most likely to work in solving joint urban problems. For further information, see MIS Report No. 191 issued in December, 1959, on *City-County Cooperation in Providing Municipal Services*.

*Note:* This report was written by John C. Bollens, professor of political science and director of the urban studies program, Bureau of Governmental Research, University of California, Los Angeles. Mr. Bollens has done extensive research and consultation on metropolitan and fringe area matters, including recently the directorship of comprehensive studies of the St. Louis and Dayton areas. He has contributed an article on metropolitan area developments to the *Municipal Year Book* since the 1949 edition and is the author or coauthor of many books and articles, including *California Government and Politics* (Englewood Cliffs, New Jersey: Prentice-Hall, Inc., 2d ed., 1960), *Special District Governments in the United States* (Berkeley: University of California Press, 1957), and *Metropolitan Challenge* (Dayton, Ohio: Community Research, Inc., 1959). Professor Bollens wishes to express appreciation to Henry J. Schmandt, Robert C. Wood, Norton E. Long, James A. Norton, George H. Esser, Jr., Kenneth C. Tollenaar, and Stanley Scott for their helpful comments on the original draft of the questionnaire used in this survey.

<sup>2</sup>These three states have varying provisions for administrative and judicial surveillance and review, but all have the common element of legislative standards for annexation. These standards relate principally to factors of population density, contiguity of land, taxable resources, land use, and ability of the city to extend services within a reasonable time to the newly annexed area. Further information can be obtained from *Public Management*: North Carolina, September, 1959, pp. 202-207; Minnesota, September, 1959, p. 214; and Wisconsin, March, 1960, pp. 61-62.